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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MADELAINE CHOCOLATE NOVELTIES, INC.
D/B/A THE MADELAINE CHOCOLATE
COMPANY,

Plaintiff,

-against-

GREAT NORTHERN INSURANCE COMPANY,

Defendant.
-----X

Case No.:

**NOTICE OF REMOVAL
OF ACTION UNDER
28 U.S.C. § 1441**

TO: THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF NEW YORK

PLEASE TAKE NOTICE that Defendant, Great Northern Insurance Company ("Defendant" or "Great Northern"), hereby removes the action titled *Madelaine Chocolate Novelties, Inc. d/b/a The Madelaine Chocolate Company v. Great Northern Insurance Company*, filed in the Supreme Court of the State of New York, Queens County, Index No. 709557/2015. Removal is warranted under 28 U.S.C. § 1441 because this action involves claims over which this Court has original jurisdiction under 28 U.S.C. § 1332. As the basis and support for such removal, Defendant respectfully avers as follows:

1. On September 11, 2015, Plaintiff, Madelaine Chocolate Novelties, Inc. d/b/a The Madelaine Chocolate Company ("Plaintiff" or "Madelaine") filed a Complaint captioned *Madelaine Chocolate Novelties, Inc. d/b/a The Madelaine Chocolate Company v. Great Northern Insurance Company*, Index No. 709557/2015, in the Supreme Court of New York for

Queens County (the "Complaint"). A true and correct copy of the Complaint ("Compl.") is attached hereto as Exhibit "A".

2. On September 11, 2015, Plaintiff's counsel caused a copy of the Summons and Complaint to be served on the New York State Department of Financial Services. A copy of the Summons and Complaint was thereafter sent on September 14, 2015, via first-class U.S. mail by Jacqueline Catalfamo, Special Deputy Superintendent of the New York State Department of Financial Services, to Great Northern's statutory agent, CT Corporation, 111 Eight Avenue, 13th Floor, New York, New York 10011. A true and correct copy of the September 14, 2015 letter is attached hereto as Exhibit "B".

3. This Notice of Removal is timely because it is filed within thirty (30) days of Defendant's receipt or service of the Complaint. See 28 U.S.C. § 1446(b)(1).

4. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 because this is a civil action between citizens of different states and the amount in controversy exceeds \$75,000.

5. Plaintiff Madelaine alleges that it is a New York corporation, with a principal place of business at 96-03 Beach Channel Drive, Rockaway Beach, New York. See Compl., Ex. A, at ¶ 3.

6. Defendant Great Northern Insurance Company is a corporation that is incorporated in Indiana, with a principal place of business at 15 Mountain View Road, Warren, New Jersey 07059.

7. Accordingly, for purposes of 28 U.S.C. § 1332, complete diversity of citizenship existed between Plaintiff and Great Northern at the time Plaintiff commenced this action in state court and continues to exist as of the time of the filing of this petition for removal.

8. Further, removal pursuant to 28 U.S.C. § 1332 is proper because the amount in controversy in the Complaint exceeds the jurisdictional threshold for removal.

9. In this first-party insurance coverage action brought by Plaintiff against Great Northern, Plaintiff alleges that “Great Northern is liable to Madelaine for more than \$53 million in losses, including property damage and ongoing loss of business income, sustained by Madelaine as a result of Superstorm Sandy (‘Sandy’).” See Compl., Ex. A, at ¶ 1. Plaintiff’s Complaint also alleges that Madelaine “has suffered tens of millions of dollars in damages.” See Compl., Ex. A, at ¶ 53.

10. This action is, therefore, removable pursuant to 28 U.S.C. § 1441(a) and (b) because it is a civil action in which the amount in controversy exceeds the sum of \$75,000 and because complete diversity exists between Plaintiff and Defendant.

11. By this Notice of Removal, Defendant does not waive any defenses, including but not limited to any defenses pursuant to Rule 12 of the Federal Rules of Civil Procedure, and hereby expressly reserves the right to assert any such defenses in this action.

12. This Court is the United States District Court for the district encompassing the venue of the state court action being removed.

13. All pleadings filed in the state court action are included in Exhibit “A” attached hereto. These documents consist of the Summons and Complaint, and Notice Regarding Availability of Electronic Filing in Supreme Court Cases, and constitute all process and pleadings in the state court action to date.

14. Notice to all parties and the Clerk of the Supreme Court of the State of New York for Queens County will be served and filed pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, all procedural requirements for removal have been satisfied and this action is hereby removed to the United States District Court for the Eastern District of New York, based upon diversity jurisdiction pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York
October 9, 2015

COZEN O'CONNOR, P.C.

/s/ Melissa Brill

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*Attorneys for Plaintiff Madelaine Chocolate
Novelties, Inc. d/b/a The Madelaine Chocolate
Company*

CERTIFICATE OF SERVICE OF DEFENDANT'S NOTICE OF REMOVAL

I, Melissa Brill, hereby certify and state that on the 9th day of October, 2015, I caused a copy of Defendant's Notice of Removal to be served upon the Clerk of the Court, Supreme Court of the City of New York, County of Queens, and Plaintiff, via United States mail, at:

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Company*

/s/ Melissa Brill

Dated: October 9, 2015